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*On behalf of Northern Capital, Inc.*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

In re,

PEPPERTREE PARK VILLAGES 9  
AND 10, LLC,

Debtor.

Lead Case No. 17-05137-LT7

Chapter 7

(JOINTLY ADMINISTERED)

**NOTICE OF HEARING ON  
MOTION OF NORTHERN  
CAPITAL, INC. FOR ENTRY OF  
ORDER (I) RECONSIDERING  
JULY 8, 2020 ORDER [ECF NO.  
718] PURSUANT TO RULES 3008  
AND 9024 OF FEDERAL RULES  
OF BANKRUPTCY PROCEDURE  
AND 11 U.S.C. §§ 105 AND 502(j),  
(II) PARTIALLY DISALLOWING  
CLAIM NO. 4-3, AND  
(III) GRANTING RELATED  
RELIEF**

PEPPERTREE PARK VILLAGES 9  
AND 10, LLC,  
Case No. 17-05137-LT7

PEPPERTREE LAND COMPANY,  
Case No. 17-05135-LT11

NORTHERN CAPITAL, INC.  
Case No. 17-04845-LT11

*(continued on following page)*

Date: October 12, 2022  
Time: 11:00 a.m.  
Dept.: Three – Room 129  
Honorable Laura S. Taylor

1  
2 DUANE SCOTT URQUHART,  
3 Case No. 17-04846-LT11

4 Debtors.

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6 **TO THE DEBTORS, ALL CREDITORS AND ALL PARTIES IN**  
7 **INTEREST:**

8 **YOU ARE HEREBY NOTIFIED** that on October 12, 2022, at 11:00 a.m., in  
9 Department 3, Room 129, of the Jacob Weinberger United States Courthouse, located  
10 at 325 West F Street, San Diego, California 92101-6991, there will be a hearing  
11 regarding the motion of Northern Capital Inc., for:

12 **Entry of Order (I) Reconsidering July 8, 2020 Order**  
13 **[ECF No. 718] Pursuant to Rules 3008 and 9024 of**  
14 **Federal Rules of Bankruptcy Procedure and 11 U.S.C.**  
15 **§§ 105 and 502(j), (II) Partially Disallowing Claim No.**  
16 **4-3, and (III) Granting Related Relief**

17 *See Exhibit A attached hereto.*

18 If not required to be attached, a set of the moving papers will be provided,  
19 upon request, by the undersigned or may be inspected at the office of the Clerk.

20 **PLEASE TAKE FURTHER NOTICE** that any opposition or other response  
21 to the Motion must be filed and served upon the undersigned and the original and one  
22 copy of such papers with proof of service must be filed with the Clerk of the U.S.  
23 Bankruptcy Court at 325 West F St., San Diego, California 92101-6991, **no later**  
24 **than September 22, 2022.**

1 Dated: September 8, 2022

2 PAUL HASTINGS LLP

3  
4 By /s/ Todd M. Schwartz  
5 Todd M. Schwartz

6 *On behalf of Northern Capital, Inc.*  
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**EXHIBIT A**

By the Motion, Northern Capital Inc. (“NCI” or “Movant”) requests an order (i) reconsidering the Court’s *Order on Stipulation RE the Debtors’ Objection to Meritage Homes of California, Inc.’s Proofs of Claim*, [ECF No. 718] (the “Allowed Claim Order”) entered on July 8, 2022, (ii) partially disallowing claim number 4-3 (the “JW Claim”), held by Justus Wallace Peppertree Park Villages 9 & 10, LLC (“JW”), and (iii) granting related relief.

The bases for the relief requested herein are sections 105(a) and 502(j) of the Bankruptcy Code, Bankruptcy Rules 3008 and 9024, and Civil Rule 60.

The Motion is supported by this Notice of Hearing and Motion, the Motion and Memorandum of Points and Authorities attached thereto, together with all pleadings and court documents on file in the above-referenced cases. Any party wanting a copy of these documents may make a written request to the undersigned and a copy will be provided, or a copy can be obtained from the Clerk of the Bankruptcy Court, 325 West F St., San Diego, California 92101-6991 during the Court’s business hours.

NCI submits that reconsideration of the Allowed Claim Order and partial disallowance of the JW Claim, such that the claim is not allowed in an amount greater than \$650,000—essentially the same amount that Howard Justus (“Justus”) negotiated for himself while an insider, fiduciary, and potential creditor and acquirer of Peppertree Park Villages 9 & 10, LLC (“PPV”)—is necessary and appropriate because cause exists for reconsideration and the equities of this case demand partial disallowance of the JW Claim.

1 Dated: September 8, 2022

2 PAUL HASTINGS LLP

3  
4 By /s/ Todd M. Schwartz  
TODD M. SCHWARTZ

5 *On behalf of Northern Capital, Inc.*